

REMARKS

This is responsive to the Office Action dated January 26, 2006 which has been carefully considered. Claims 1, 3, 4, 6-9 and 11 stand rejected under 35 U.S.C. § 102(b) as anticipated by DE 8510058 (DE '058). Claims 16 and 17 stand rejected under 35 U.S.C. § 103(a) as being obvious over DE '058. Based on the preceding amendments and following arguments reconsideration and withdrawal of the rejection is respectfully solicited.

Claim 1 has been cancelled and rewritten as new claim 18. New claim 19 is dependent on claim 18 and sets forth a method of assembling the claimed spring strut and new claim 20 represents claim 10 which was indicated as allowable in independent form. Claim 16 has been amended with a minor modification, as dependent claim as it was originally presented.

More specifically, claim 1 has been clarified to clearly distinguish over the device shown in DE '058 by reciting, *inter alia*, that a hardened material is at least partially filling the chamber between the cylinder and the support ring for fixing the sleeve section against movement within the chamber along a cylinder elongation and against rotation of the sleeve section within the chamber relative to the cylinder; by reciting a circumferentially limited anti-rotation profile comprising at least one of an opening and a pocket defined in said sleeve section for preventing the rotation of the sleeve section within the chamber relative to the cylinder and by pointing out that the hardened material comprises an initially flowable material that is placed in the chamber in a flowable state with said sleeve section adjusted to a desired position along said cylinder elongation and which then hardens *in situ* to maintain the sleeve section in said chamber at said desired position along said cylinder elongation and cooperates with said anti-rotation profile to maintain the sleeve section in said chamber against rotation of the sleeve section within said chamber relative to said cylinder.

No new matter has been added.

Turning now to the rejection of the claims as anticipated by and rendered obvious over DE '058, it is respectfully submitted that claim 1 as now amended clearly distinguishes over screw 12 which extends through support ring 5 into recess 13 of the sleeve section of the spring plate in Fig. 5 of the reference.

To recap, Fig. 5 of DE '058 discloses a spring plate 3 for a damper system having a sleeve section 4 supported in a retaining ring 5 which is attached to a cylinder. The retaining ring 5 has a through-hole in which a screw 12 can be inserted. Screw 12 extends into a recess 13 in the sleeve section 4 thereby securing the spring plate 3 in place and preventing it from rotating relative to the cylinder.

New claim 18 has been amended to clarify that an initially flowable material is placed into the chamber and hardened *in situ* to perform two functions: (1) to maintain the sleeve section in the chamber at a desired position along the cylinder elongation, i.e., it permits up and down adjustment and fixes the position of the spring plate relative to the cylinder and (2) by cooperating with the recited anti-rotation profile the hardened material maintains the sleeve section in the chamber against rotation of the sleeve section and the spring plate relative to the cylinder.

Accordingly, it is respectfully submitted that the claims as now amended clearly distinguish over the screw arrangement of DE '058 which relates only to the prevention of rotation of the spring plate with respect to the cylinder.

Due to the predetermined position of the through-hole in the retaining ring 5 and the recess 13 in the sleeve section 4, the horizontal level of the spring plate, that is, its position relative to the cylinder elongation is fixed and cannot be varied.


In stark contrast, according to the present invention, the horizontal level of the sleeve section of the spring plate with respect to the cylinder elongation can be adjusted in an easy manner as

follows. The desired position of the sleeve section of the spring plate within the support ring is first determined (for example such that the vehicle is in a fully horizontal position), the flowable material is then placed into the chamber formed between the cylinder and the support ring. Due to the fluid state of the material, the chamber can be filled with varying amounts of material depending on the horizontal level to be attained. At the same time, the anti-rotation profile, i.e., the opening or pocket, in the sleeve section is automatically filled with the flowable material. After hardening of the flowable material, the spring plate is set in position relative to the direction of the cylinder elongation, i.e., the horizontal level of the spring plate as well as against rotation of the sleeve section within the chamber relative to the cylinder due to cooperation with the anti-rotation profile.

It is respectfully submitted that the screw 12 of DE '058 cannot be read on the flowable and afterwards cured or hardened material according to the present invention which allows (1) for a variation of the horizontal level of the spring plate and (2) prevents rotation of the sleeve section within the chamber relative to the cylinder. It is respectfully submitted that the claimed invention, as amended, is neither anticipated nor rendered obvious by DE '058. Early Notice of Allowance is respectfully solicited.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
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